IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

Misc. Civil Application No. _____/ 2023

in

P.I.L.W.P. No. 68/2019

The Goa Foundation ….**APPLICANT**

v/s.

The Mamlatdar of Bardez & Ors. ...**RESPONDENTS**

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Place: Mapusa, Goa

Date: 01.03.2023 Advocate for the Applicant

IN THE HON'BLE HIGH COURT OF JUDICATURE

OF BOMBAY AT PORVORIM, GOA

Misc. Civil Application No. _____/ 2023

in

P.I.L.W.P. No. 68/2019

The Goa Foundation
through its Secretary, Dr. Claude Alvares,
age 74 years, having Regd. Office at
Room No 7, Above Mapusa Clinic,
Mapusa, Goa - 403507.
Email id: goafoundation@gmail.com

...**APPLICANT**

v/s.

1. **The Mamlatdar of Bardez**,
   Office of the Mamlatdar, Government Building,
   Mapusa, Goa - 403507.

2. **North Goa Planning and Development Authority**, through its Member Secretary,
   Archdiocese Bldg, Ist Floor, Mala Link Road,
   Panaji, Goa – 403001.

3. **Mapusa Municipal Council**,
   Through its Chief Officer
   Near Civil Court, Mapusa, Goa, 403507.

4. **Town and Country Planning Department** ,
   through its Chief Town Planner, 2nd Floor, Dempo Tower, Patto Plaza, Panaji, Goa - 403001.

5. **The State of Goa**,
   through its Chief Secretary,
   Secretariat, Porvorim, Goa – 403521.

6. **The Inspector of Surveys and Land Records**.
   City Survey, Government Building,
   Mapusa, Goa - 403507.

7. **Boshan Developers Private Limited**,
   through its Director Mr. Omkar A. Gaitonde,
   C 501-502, 5th Floor, Boshan Home, Opp. Shri Bogdeshwar Temple, Mapusa, Goa - 403507.

8. **Smt. Udaybala Dwarkanath Joshi**,
   Resident of House No. 129/1,
   Madlawada, Sal, Bicholim, Goa – 403503.

9. **Smt. Minal Mangesh Vernekar**,
   Resident of Flat No. C/4, F/2, Essar Residency,
   Taleigao, Tiswadi, Goa – 403002.

10. **Shri Mangesh Yeshwant Vernekar**,
    Resident of Flat No. C/4, F/2, Essar Residency,
    Taleigao, Tiswadi, Goa – 403002.

11. **Smt. Gauri Prakash Shetye**,
    Resident of House No. 656, Deolai,
    Khandola, Post Marcel, Goa - 403107.

12. **Dr. Prakash Shambu Shetye**,
    Resident of House No. 656, Deolai,
    Khandola, Post Marcel, Goa – 403107.

13. **Smt. Deepa Chandrashekar Mantri**,
    Park Infinia, 940, near S.T. Infocity,
    Fursangi, Pune, Maharashtra – 412308.

14. **Shri Chandrashekar Vinayak Mantri**,
    Park Infinia, 940, near S.T. Infocity,
    Fursangi, Pune, Maharashtra – 412308.

15. **Shri Siddharth Dwarkanath Joshi**,
    Resident of House No. 129/1, Madlawada,
    Sal, Bicholim, Goa – 403503.

16. **Smt. Shambhavi S. Joshi**,
    Resident of House No. 129/1, Madlawada,
    Sal, Bicholim, Goa – 403503.

17. **Ms. Amita Ramkrishna Pednekar**,
    major, House no.10, Ward no.10,
    Near Govt primary school, Khorlim,
    Mapusa, Goa - 403507.

18. **Mrs. Chandralekha Ramkrishna Pednekar**
    alias Sonali Somdutt Natekar, major, H. No. 5/9,
    Umta Wado, Calangute, Goa - 403516.

19. **Mr. Somdutt Natekar**,
    major, H.No.5/9, Umta Wado,
    Calangute, Goa - 403516.

20. **Sandhya Santosh Korgaonkar**,
    w/o Santosh Korgaonkar, major, H.No.359,
    Tambudki Waddo, Calangute, Goa - 403516.

21. **Mr. Santosh Korgaonkar**,
    major, H.No.359, Tambudki Waddo,
    Calangute, Goa - 403516.

22. **Neeta Pramod Korgaonkar**,
w/o. Pramod Korgaonkar, major, 1/307,
Gaura Wado, Calangute, Goa - 403516.

23. **Mrs. Geeta Ramkrishna Pednekar**
alias Anisha Ashok Pilankar,
w/o Ashok Pilankar, Major, H.No. 4/93,
Sankwadi, Arpora, Goa - 403516.

24. **Ashok Pilankar**, major, H.No. 4/93,
Sankwadi, Arpora, Goa - 403516.

25. **Supriya Anant Pilankar**,
w/o Anant P. Pilankar, major, 510,
Sankwadi, Arpora, Goa - 403516.

26. **Ms. Neeta Ramkrishna Pednekar**,
major, House no.10, Ward no.10,
Near Govt primary school, Khorlim,
Mapusa, Goa - 403507.

27. **Mr. Shankar alias Sameer Ramkrishna**
Pednekar, major, House no.10, Ward no.10,
Near Govt primary school, Khorlim,
Mapusa, Goa - 403507.

28. **Shivdas alias Rakesh Ramkrishna Pednekar**,
major, House no.10, Ward no.10,
Near Govt primary school, Khorlim,
Mapusa, Goa - 403507.

29. **Smt. Radhabai Ramkrishna Pednekar**,
w/o late Ramkrishna Pednekar,
major, House no.10, Ward no.10,
Near Govt primary school, Khorlim,
Mapusa, Goa - 403507.

30. **Gunaji Mahadeve Pednekar**,
major, House no.10, Ward no.10,
Near Govt primary school, Khorlim,
Mapusa, Goa - 403507.

31. **Smt. Surekha Dilip Narvekar**,
major, H.No.142/F, Kasarwado,
Khorlim, Mapusa, Goa - 403507 .

32. **Dilip alias Jayesh Nagvekar**,
major, H.No.142/F, Kasarwado,
Khorlim, Mapusa, Goa - 403507 .

….**RESPONDENTS**

(Above addresses are all registered addresses of parties)

APPLICATION TO BRING LEGAL HEIRS OF RESPONDENT NO. 12 ON RECORD

MAY IT PLEASE YOUR LORDSHIPS

1. The Applicant herein is one of the Petitioners in the instant P.I.L. Writ Petition No. 68 of 2019. On 25th February 2023, the Applicant was intimated by the H.C. Registry that Notice to the Respondent No. 12 had returned unserved, as the said Respondent has expired. Hence this Application.

2. The Respondent No 12 has left behind 3 legal heirs - his wife; Mrs. Gauri Prakash Shetye; a son; Mr. Aaditya Prakash Shetye; and a daughter; Ms. Aayushi Prakash Shetye. Of these persons, the wife of the Respondent No. 12 is already on record at Respondent No 11.

3. As such, this Application is filed to bring the other legal heirs (children) of the R. 12 as Respondents as follows:

12a. **Mr. Aaditya Prakash Shetye**,
major, H. No. 656, Deolai, Khandola,
Post Marcel, Goa - 403107.

12b. Ms. Aayushi Prakash Shetye,
major, H. No. 656, Deolai, Khandola,
Post Marcel, Goa - 403107.

4. It is submitted that no prejudice shall be caused to the Respondents if the present application is allowed, and that this Application ought to be allowed in the interests of justice.

Prayers

5. This Hon'ble Court may therefore be pleased to permit the Applicant:

i) To amend P.I.L. W.P. 68/2019 and bring on record the legal heirs of the deceased Respondent No. 12, as specified in Paragraph 3 of this Application;

ii) Any other order which may be necessary.

For the above, the applicant is truly grateful.

Place: Mapusa, Goa
Date: 01.03.2023 Applicant

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...**RESPONDENTS**

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Dr. Claude Alvares, Secretary of the Applicant organization above named, do hereby solemnly affirm and declare as under:-

1. I have today filed this Application to bring on record the legal heirs of the Deceased Respondent No 12 in the proceedings of the original P.I.L. W.P. filed before this Hon'ble Court.

2. I state that the contents of paras 1, 2, and 3 of the accompanying Application are in the nature of facts which are true to my own knowledge and the contents of paras 4 and 5 are my submissions made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed at Mapusa, Goa,
this the 1st day of March 2023 Deponent

क्रमांक /No. 5958 नमुनो-६

गोंय सरकार

GOVERNMENT OF GOA

Office Of The Village Panchayat Betqui, Candola - Goa

मृत्यू प्रमाणपत्र

DEATH CERTIFICATE

(जल्म आनी मृत्यू नोंदणी अधिनेम, १९६९ च्या कलम १२/१७ आनी गोंय जल्म आनी मृत्यू नोंदणी (दुरूस्ती) नेम, २००७ च्या नेम ८/१३ खाला जारी केला)

(Issued under Section 12/section 17 of the Registration of Births and Deaths Act, 1969 and Rule 8/13 of the Goa Registration of the Birth and Deaths (Amendment) Rules, 2007.

अशे प्रमाणित करता की सकयल दिल्ली माहिती ही मृत्यूच्या मुळ लेखातल्यान घेतल्या जी गोंय राज्याच्या South Goa जिल्हाच्या Ponda तहसील/ तालुक्याच्या Betqui, Candola रजिस्टरात नोंद आसा.

This is to certify that the following information has been taken from the original record of death which is in the Register for Betqui, Candola of tahsil/block Ponda of District South Goa of State Goa.

नांव /Name: PRAKASH SHAMBHU SHETYE

UID No. of deceased:

लिंग /Sex: Male

मृत्यू तारीख/Date of Death: 24/08/2009

मृत्यू सुवात/Place of Death: KHANDOLA MARCEL PONDA GOA

आवयचे नांव/Name of Mother: GIRIJA SHAMBHU SHETYE

UID No. of Mother:

बापायचे नांव/Name of Father: SHAMBHU NARAYAN SHETYE

UID No. of Father:

घोवाचे/बायलेचे नांव/Name of Husband/Wife: ----

UID No. of Husband/Wife:

मर्ण आयिल्ल्या मनशाचो मृत्यू वेळार आशिल्लो पत्ता
Address of the deceased at the time of death
KHANDOLA MARCEL PONDA GOA

मर्ण आयिल्ल्या मनशाचो कायमचो पत्तो
Permanent address of the deceased
KHANDOLA MARCEL PONDA GOA

नोंदणी क्रमांक/Registration No.: D/36/2009

नोंदणी तारीख/ Date of Registration: 08/09/2009

शेरो (कसलोय आसल्यार) Remarks (if any)

This Death Certificate is electronically generated and digitally signed.

"Ensure registration of every birth and death /प्रत्येक जल्म वा मृत्यूची नोंदणी केल्या हाची खात्री करात"

(All the entries should be in ENGLISH Only) / सगळ्यो नोंदी फक्त ईन्गलिशितल्यानच करच्यो)

Note:(1) Information as to 'Permanent Address' and 'Present Address' reflected above were not recorded prior to 30-05-2008. (2) Information as to Name of husband/wife was not recorded prior to 2015. (3) Information as to the UID No. of deceased/ mother/ father/husband/wife are not mandatory and were not recorded prior to 2015.